

## **REMARKS**

Applicant is in receipt of the Office Action mailed June 20, 2003. Claims 11, 12, and 30 have been cancelled. Claims 1, 19, 21, 13, 24, 29, and 31-34 have been amended. New claims 36-43 have been added. Thus, claims 1-10, 13-29, and 31-43 remain pending in the case. Further examination and reconsideration of the presently claimed application is respectfully requested.

### **Section 102 Rejections**

Claims 1, 4, 5, 7, 13-15, 18-20, and 35 were rejected under 35 U.S.C. 102(e) as being anticipated by Marrion et al. (U.S. Patent 6408429, "Marrion"). The Office Action also objected to claims 12 and 30 as being dependent upon a rejected base claim, but indicated that claims 12 and 30 would be allowable if written in independent form including all of the limitations of the base claim and any intervening claim. As indicated above, claim 1 has been amended to include the limitations of claims 11 and 12 (and claims 11 and 12 cancelled), and so Applicant respectfully submits that amended claim 1 is allowable. Claims 4, 5, 7, 13-15, and 18 depend from claim 1, and so Applicant submits that these claims are also allowable.

Rejected claim 35 is dependent from claim 24. Claim 24 has been amended to substantially include the limitations of claim 30 (and claim 30 cancelled), and so Applicant respectfully submits that claim 24 is allowable, and further submits that claim 35 is allowable.

### **Section 103 Rejections**

Claims 3, 8-10, and 21-23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Marrion et al. in view of Masuda et al. (U.S. Pub. No. 2002/0122582 A1).

To establish a *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. Obviousness cannot be established by combining or modifying the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion or incentive to do so. *In re Bond*, 910 F. 2d 81, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990). The

cited art does not teach or suggest all limitations of the currently pending claims, some distinctive limitations of which are set forth in more detail below.

As noted above, claim 1 has been amended to include allowable matter from claims 11 and 12, and so, since claims 3 and 8-10 depend from claim 1, Applicant respectfully submits that claims 3 and 8-10 are allowable.

Claim 21 has been amended to include the additional limitation “wherein the method further comprises adding one or more additional test executive steps to the test executive sequence in response to user input, wherein the one or more additional test executive steps comprise non-machine vision tests to perform on the display device”.

Applicant notes that Marrion discloses “a set of step tools from which a set of step objects is instantiated, said set of step objects comprising machine vision step objects that comprise routines for processing an image of an article to provide article feature information” (claim 1). Applicant further notes that Masuda teaches a programming apparatus whereby a user selects a standard inspection flow from among a plurality of standard inspection flows corresponding to various types of products, where the selected standard inspection flow specifies or indicates a plurality of image processing algorithms for a product to be inspected. More specifically, Masuda discloses “a plurality of image processing algorithms and a plurality of inspection parameters used in the visual inspection of the product” (Abstract). Thus, the systems of Marrion and Masuda specifically teach machine vision/image processing steps for visually inspecting items.

Applicant submits that neither Marrion nor Masuda, either singly or in combination, teaches or suggests the addition of one or more additional test executive steps to the test executive sequence in response to user input, wherein the one or more additional test executive steps comprise *non-machine vision tests to perform on the display device*, and so it would not have been obvious to one of ordinary skill in the art to combine the systems of Marrion and Masuda to produce Applicant’s invention. Thus, Applicant respectfully submits that amended claim 21 is allowable. Similarly, since claim 22 depends from claim 21, Applicant submits that claim 22 is allowable.

Amended claim 23 similarly includes the limitation “receiving additional user input to the test configurator to select one or more one or more additional test executive steps to add to the test executive sequence, wherein the one or more additional test

executive steps comprise non-machine vision tests to perform on the display device”. Similar to the above, Applicant submits that neither Marrion nor Masuda, singly or in combination, teaches or suggests the addition of one or more additional test executive steps to the test executive sequence in response to user input, wherein the one or more additional test executive steps comprise *non-machine vision tests to perform on the display device*, and thus, for at least these reasons, amended claim 23 is allowable.

Claims 2, 6, 11, and 24-28 were rejected under 35 U.S.C. 103(a) as being unpatentable over Marrion et al. in view of Perez et al. (U.S. Pub. No. 2002/0116666 A1). As noted above, claim 1 has been amended to include allowable matter from claims 11 and 12, and so, since claims 2, 6, and 11 depend from claim 1, Applicant respectfully submits that claims 2, 6, and 11 are allowable. Similarly, claims 16 and 17, rejected under 35 U.S.C. 103(a) as being unpatentable over Marrion et al. in view of Downen et al., depend from claim 1, and so are allowable for at least the reasons presented above.

Claims 25-28 are dependent from amended claim 24. As noted above, amended claim 24 is allowable, and so Applicant respectfully submits that claims 25-28 are allowable. Similarly, claim 29, rejected under 35 U.S.C. 103(a) as being unpatentable over Marrion et al. in view of Perez et al. as applied to claim 24, and further in view of Campbell et al., depends from amended claim 24, and so Applicant submits claim 29 is allowable. For similar reasons, Applicant submits that claims 31-34, each of which is dependent from amended claim 24, are allowable.

New claims 36-38 depend respectively from amended independent claims 19, 21, and 23, and so are allowable for at least the reasons provided above.

Regarding new claims 39-43, Applicant submits that these claims are allowable in light of the following:

Applicant respectfully submits that none of the cited art teaches or suggests configuring a display inspection algorithm comprising a plurality of display inspection functions operable to perform machine vision tests on the display device, wherein, for each display inspection function, configuring the display inspection function comprises:

displaying a specialized graphical user interface for configuring the display inspection function; and receiving user input to the graphical user interface to customize operation of the display inspection function. Applicant thus submits that new independent claim 36 is allowable. Since claims 40-41 depend from claim 39, Applicant submits that these claims are similarly allowable for at least the reasons given above.

Applicant further submits that none of the cited art, single or in combination teaches or suggests the limitations of new claims 42 and 43, and thus claims 42 and 43 are patentably distinct over the cited art and are thus allowable for at least the reasons cited above.

## CONCLUSION

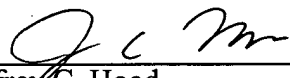
Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-61801/JCH.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☒ Information Disclosure Statement
- ☐ Notice of Change of Address
- ☐ Check in the amount of \$            for fees (        ).
- ☐ Other:

Respectfully submitted,

  
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